

### **REMARKS**

This application has been amended in response to the Office Action mailed October 17, 2008, in order to place the application into form for allowance. Allowance of claims 2-4, 8, 11, 15-19, and 34 is noted with appreciation.

The Examiner rejects claims 5-7 under 35 USC § 112 as being indefinite. The examiner takes the position that the term “rubber-like” renders the claims indefinite as including elements not actually disclosed. The examiner states that those claims are directed to elements that are not disclosed in the specification. Claims 5 and 6 have therefore been amended to recite “resiliently soft and rubber-like thermoplastic elastomeric material . . . .” On page 13 of the specification, in the paragraph beginning on line 17, the claimed material is described in exactly those words, supported by mention of an illustrative example of one type of such material. It is submitted that the language “resiliently soft and rubber-like thermoplastic elastomeric material” as used in claims 5 and 6 is sufficiently definite, and the rejection under 35 USC § 112 should be withdrawn.

Claim 11 has been amended by adding the word “and” to correct an obvious clerical error.

The Examiner rejected claim 10 as unpatentable over Hung et al. in view of Thompson et al. and further in view of Shyr, and further in view of Students. Claim 22 was rejected as unpatentable over Hung et al. in view of Shyr and further in view of Students. Claims 10 and 22 have both been amended to specify more particularly that the main part and the opposite ends of the spring are substantially coplanar. While coplanarity is not stated literally in the specification as filed it is clearly seen in the drawings, particularly FIGS. 8, 13, 14, 17, and 20. Thus the amendment of the paragraph beginning on line 26 of page 7 of the specification adds no new matter.

Additionally, the Examiner has relied on a cavity 62 shown best in FIGS. 5, 6, and 7 of Shyr as satisfying the language, “a groove extending away from said cavity,” in element (e) of claim 10 and element (f) of claim 22.

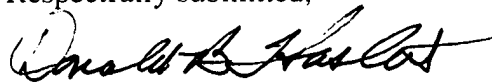
Applicant submits that Shyr fails to show or suggest a groove and shows only a blind bore extending perpendicular to the plane of the jaw tang of the Shyr tool. Such a blind bore is not a groove and does not suggest a groove. While a groove is in one sense a kind of a cavity,

not every cavity is a groove or is even remotely similar to a groove. Shyr does not show a groove. The word "groove," used in claims 10 and 22, is considerably more specific than the word "cavity," and the use of the groove as disclosed and claimed in this application allows the spring to be of a much simpler construction than the spring required in the tool disclosed by Shyr. Shyr requires one end (422) of the spring (42) to be bent out of a plane in which the rest of the spring resides, so that the bent end (422) of the spring can be fitted into the "cavity 62." This is an extra manufacturing step, adding to the cost of the spring. Provision of a groove, rather than a bore, to receive an end of the spring simplifies assembly of the spring and related parts. Shyr, along with each of the rest of the references asserted by the Examiner, thus fails to recognize the utility of providing a groove and having a spring that is formed to reside in a single plane, and so the combinations of references cited by the Examiner fail to teach or suggest all of the elements of either claim 10 or claim 22, as amended, both of which should therefore be found allowable.

Claims 28-31 and 33 were previously withdrawn, and the examiner is requested to rejoin and allow those claims, which depend from allowable claims.

The Examiner is requested to re-examine the application in view of the above amendments and remarks, to allow claims 2-8, 10-11, 15-19, 22, 28-31, and 33-34, all the remaining claims, and to pass the application on promptly to issue.

Respectfully submitted,



Donald B. Haslett  
Attorney for Applicants' Assignee  
Telephone: (503) 227-5631  
Facsimile: (503) 228-4373